

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
RAMON ESPINOSA, :
:
Plaintiff, :
: 23-CV-4050 (VSB)
-against- :
: **ORDER**
RGB MANAGEMENT CORP. *d/b/a Morton* :
Williams, and CARLOS MARTINEZ, :
:
Defendants. :
:
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VERNON S. BRODERICK, United States District Judge:

On January 26, 2024, Mr. Wisniewski, counsel to Plaintiff, filed a letter motion to withdraw from this case. (Doc. 30.) Because Mr. Wisniewski's motion did not comply with Rule 1.4 of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York, I directed him to file an affirmation curing the deficiencies. (Doc. 31.)

On February 15, 2024, Mr. Wisniewski filed the requested affirmation. (Doc. 33.) Five days later, I issued an order providing Plaintiff with an opportunity to oppose Mr. Wisniewski's request to withdraw by March 19, 2024. (Doc. 41.) My order also directed Plaintiff to "advise the Court as to whether he intends on retaining new counsel or proceeding pro se." (*Id.*) Plaintiff failed to respond.

On March 20, 2024, I granted Mr. Wisniewski's request to withdraw. (Doc. 44.) My order further directed Plaintiff to "file a letter stating whether he intends on prosecuting this case, either pro se or by retaining new counsel." (*Id.* at 1.) In light of Plaintiff's failure to respond to my prior orders, I warned him that "failure to comply with this Order and communicate his intent to prosecute this action will result in dismissal of the case for failure to prosecute under Federal Rule of Civil Procedure 41(b)." (*Id.* at 2.) Nevertheless, Plaintiff, once again, failed to respond.

Accordingly, Plaintiff's claims are dismissed without prejudice pursuant to Rule 41(b).

The Clerk of Court is respectfully directed to terminate this action.

SO ORDERED.

Dated: April 22, 2024
New York, New York


VERNON S. BRODERICK
United States District Judge